



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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January 4, 2017

By ECF

Honorable Thomas P. Griesa  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Hicham Azkour v. City of New York, et. al.*, 13-cv-5878 (TPG)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and one of the attorneys assigned to the defense of the above-referenced action on behalf of defendant City of New York (the “City”), Gaglione, Hughes, Cahill, Sansone, Posternak, and Torres (collectively, “City Defendants”).<sup>1</sup> I write on behalf of City Defendants to respectfully request that the Court allow City Defendants until Friday, January 20, 2017 to answer or otherwise respond to the first amended complaint (the “First Amended Complaint”). This is defendants’ first request for an extension of time to answer or otherwise respond to the complaint. Plaintiff, who is currently proceeding *pro se*, has consented to this application.

By way of background, plaintiff filed the First Amended Complaint on July 20, 2016, which added the City Defendants to the action and alleged, *inter alia*, that his constitutional rights were violated when he was involuntarily hospitalized, subjected to racial, religious, and mental health discrimination, and subjected to an illegal search. (ECF No. 74).<sup>2</sup> On November 9, 2016, defendants waived service of process, setting their date to answer or otherwise respond to the First Amended Complaint at January 8, 2017. (ECF No. 114).

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<sup>1</sup> Assistant Corporation Counsel Bridgette Nunez is handling this case under my supervision pending her admission to the New York State Bar. Ms. Nunez can be contacted at (212) 356-1643 or bnunez@law.nyc.gov.

<sup>2</sup> This action has been pending against non-City defendants since April 2013. (ECF No. 2). By Order dated March 25, 2015, the Court granted the non-City defendants’ Motion to Dismiss, which entirely disposed of plaintiff’s claims in the case. (ECF No. 64). The Second Circuit vacated the dismissal in part and remanded solely to allow plaintiff an opportunity to amend his complaint as to two specific claims. (ECF No. 67). Accordingly, it is the City Defendants’ position that plaintiff’s First Amended Complaint goes well beyond the leave to amend afforded by the Second Circuit.

City Defendants anticipate moving to dismiss the First Amended Complaint pursuant to Rule 12(f) and 12(b)(6). However, because the undersigned and Ms. Nunez's commitment to other matters, a brief extension of time to respond to the complaint is necessary for this office to finalize defendants' initial moving papers.

Accordingly, City Defendants respectfully request that the Court allow City Defendants until Friday, January 20, 2017 to answer or otherwise respond to the First Amended Complaint.

Thank you for your consideration herein.

Respectfully submitted,

s/

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